

**REMARKS**

This response addresses the issued raised by the Examiner in the Office Action mailed November 5, 2003. Applicants wish to thank the Examiner for the careful consideration given this case. Claims 1-17 are presently pending in this case. Claims 1-3, 5-7, 9-17 have been amended. In view of the above amendments and the following remarks, Applicants submit that the presently pending claims are in condition for allowance and notification of such is respectfully requested.

As suggested by the Examiner, Applicants have amended the abstract by replacing the term "works" with term "foods".

Claims 1-3, 5-7, 9-17 have been amended to delete the reference numerals in the claims to place the claims in proper form. Further, Claims 2-3 and 6-7 have been amended to add that the chamber of the smoking apparatus has an electrically insulative curtain. Support for this amendment appears for example, in the specification at page 17, lines 6-8 and Figure 1. Accordingly, it is respectfully submitted that no new matter has been added by the amendments.

The Examiner rejects Claims 1-3 and 5-7 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 2,565,454 to MacKenzie et al. Applicants respectfully traverse this rejection.

For a rejection to be sustained under 35 U.S.C. § 102 (b) each and every element of the claimed invention must be disclosed in the cited prior art. MacKenzie discloses an electrostatic smoking device for depositing or precipitating smoke particles onto the surfaces of food. See Column 1, lines 1-5. MacKenzie does not mention the use of an electrically insulative curtain to help facilitate smoking food. Further, there is no mention in MacKenzie of having both the inlet and outlet of the chamber sealed by an electrically insulative curtains so that smoke particles can be effectively deposited on foods without leaking out of the chamber. As stated above, claims 2-3 and 6-7 have been amended to add an electrically insulative curtain in the smoking apparatus chamber. Accordingly, MacKenzie does not mention, teach or suggest the use of electrically insulative curtains in their smoking device. Thus, MacKenzie does not disclose each and every element of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

The Examiner rejects Claims 4 and 8-17 as being unpatentable over MacKenzie et al. Applicants respectfully traverse this rejection.

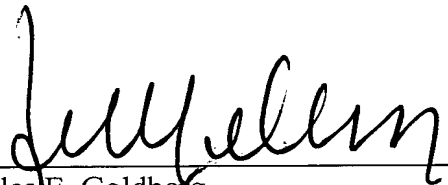
To establish an obviousness rejection under 35 U.S.C. § 103 (a), all claim limitations must be taught or suggested in the prior art. As stated above, MacKenzie does not mention the use of an electrically insulative curtain to help facilitate smoking food. Thus, MacKenzie does not teach each and every claim limitation of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103 (a) be reconsidered and withdrawn.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

Dated: May 5, 2004

By

  
Jules E. Goldberg  
Reg. No. 24,408

REED SMITH LLP  
599 Lexington Avenue  
29<sup>th</sup> Floor  
New York, NY 10022-7650  
(212) 521-5400

Attorney for Applicant